

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

1) VIDEO GAMING TECHNOLOGIES, INC.,)
)
)
 Plaintiff,)
)
)
 v.) Case No. 4:17-cv-00454-GKF-jfj
)
 1) CASTLE HILL STUDIOS LLC)
 (d/b/a CASTLE HILL GAMING);)
 2) CASTLE HILL HOLDING LLC)
 (d/b/a CASTLE HILL GAMING); and)
 3) IRONWORKS DEVELOPMENT, LLC)
 (d/b/a CASTLE HILL GAMING))
)
 Defendants.)

**PLAINTIFF'S MOTION TO SEAL ITS REPLY IN SUPPORT OF
MOTION FOR LEAVE TO FILE AMENDED COMPLAINT
AND SUPPORTING DECLARATION**

Pursuant to Local Rule 79.1, the Court’s General Order In Re The Use of Confidential Information In Civil Cases (“GO 08-11”), and paragraph 2(f) of the Stipulated Protective Order (Dkt. 55), Plaintiff Video Gaming Technologies, Inc. (“VGT”), hereby requests that the Court enter an order to seal Plaintiff’s unredacted Reply in Support of Its Motion for Leave to File Amended Complaint (the “Reply”) and Exhibit S to the Declaration of Peter A. Swanson in Support of Plaintiff’s Motion for Leave to File Amended Complaint (“Swanson Declaration”) (collectively, Dkt. 87). In support of this motion, Plaintiff states the following:

1. Portions of the Reply contain both Plaintiff's and Defendants' sensitive and/or proprietary trade secret information, which, pursuant to paragraph 1(d) of the Stipulated Protective Order (Dkt. 55), should be treated as Highly Confidential Information.

2. Exhibit S to the Swanson Declaration consists of an excerpt from the deposition transcript of Paul Suggs that is referenced in the Reply. Defendants have designated Mr. Suggs's deposition transcript as Highly Confidential Information.

3. In accordance with Local Rule 79.1, GO 08-11, and the Stipulated Protective Order, Plaintiff has filed both a public, redacted version of the Reply, *see* Dkt. 86, and a sealed, unredacted version of the Reply (Dkt. 87). Plaintiff has also filed both a public, redacted version of the Swanson Declaration, *see* Dkt. 86-1, and a sealed, unredacted version of the Swanson Declaration (Dkt. 87-1).

WHEREFORE, Plaintiff respectfully requests that the Court enter an Order granting sealing the Reply and Exhibit S to the Swanson Declaration (collectively, Dkt. 87).

June 25, 2018

Respectfully submitted,

/s/ Peter A. Swanson

Graydon Dean Luthey, Jr., OBA No. 5568
GABLE GOTWALS
1100 ONEOK Plaza
100 West Fifth Street
Tulsa, OK 74103-4217
Telephone: (918) 595-4821
Facsimile: (918) 595-4990
dluthey@gablelaw.com

Gary M. Rubman
Peter A. Swanson
Michael S. Sawyer
Rebecca B. Dalton
COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street, NW
Washington, D.C. 20001-4956
Telephone: (202) 662-6000
Facsimile: (202) 778-5465
grubman@cov.com
pswanson@cov.com
msawyer@cov.com
rdalton@cov.com
(admitted pro hac vice)

Neil K. Roman
COVINGTON & BURLING LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018-1405
Telephone: (212) 841-1221
Facsimile: (212) 841-1010
nroman@cov.com
(admitted pro hac vice)

Counsel for Video Gaming Technologies, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on June 25, 2018, I filed the foregoing via CM/ECF, which caused the foregoing to be served on the following counsel for Defendants:

Robert C. Gill
Thomas S. Schaufelberger
Matthew J. Antonelli
Henry A. Platt
SAUL EWING ARNSTEIN & LEHR, LLP
1919 Pennsylvania Avenue, NW, Suite 550
Washington, D.C. 20006
(202) 295-6605
(202) 295-6705 (facsimile)
robert.gill@saul.com
tschauf@saul.com
matt.antonelli@saul.com
henry.platt@saul.com

Sherry H. Flax
SAUL EWING ARNSTEIN & LEHR, LLP
500 E. Pratt Street, Suite 900
Baltimore, Maryland 21202
(410) 332-8764
(410) 332-8785 (facsimile)
sherry.flax@saul.com

James C. Hodges, OBA 4254
JAMES C. HODGES, PC
2622 East 21st Street, Suite 4
Tulsa, OK 74114
Telephone: (918) 779-7078
JHodges@HodgesLC.Com

Duane H. Zobrist
Jonathan S. Jacobs
ZOBRIST LAW GROUP PLLC
1900 Arlington Blvd. Suite B
Charlottesville, VA 22903
Telephone: (434) 658-6400
dzobrist@zoblaw.com
jjacobs@zoblaw.com

Attorneys for Defendants

/s/ Michael S. Sawyer